

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

Larsenyer Green

(b) County of Residence of First Listed Plaintiff Lancaster PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Schafkopf Law LLC, 11 Bala Ave Bala Cynwyd PA 19004; 610-664-5200
Weisberg Law, 7 S. Morton Ave Morton PA 19107; 610-690-0801
Mildenberg Law, 1735 Market Street Ste 3750; 215-545-4870

Clark Filter Inc.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

- | <i>(For Diversity Cases Only)</i> | | <i>and One Box for Designating</i> | |
|---|---------------------------------------|---------------------------------------|--|
| | PTF | DEF | |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

[Click here for: Nature of Suit Code Descriptions](#)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC Section 1981 and 1985

Brief description of cause:

Plaintiff has experience racial discrimination during the course of her employment

VII. REQUESTED IN COMPLAINT:

- | | | |
|---|-----------|--|
| <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. | DEMAND \$ | CHECK YES only if demanded in complaint:
JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|---|-----------|--|

**VIII. RELATED CASE(S)
IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE _____

SIGNATURE OF ATTORNEY OF RECORD

01/03/2019

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 101 Cottage Ave Apt 2E Lancaster PA 17602

Address of Defendant: 1800 Herr Street, Harrisburg PA

Place of Accident, Incident or Transaction: Various Locations in Pennsylvania

RELATED CASE, IF ANY:

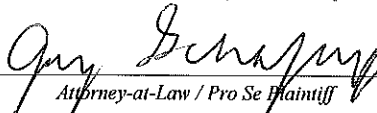
Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 01/03/2019


Attorney-at-Law / Pro Se Plaintiff

83362

Attorney I.D. # (if applicable)

CIVIL: (Place a √ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Gary Schakfopf, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☒ Relief other than monetary damages is sought.

DATE: 01/03/2019


Attorney-at-Law / Pro Se Plaintiff

83362

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Larsenyer Green

:

CIVIL ACTION

v.

:

Clark Filter, Inc

:

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>1-3-19</u> Date <u>610-664-5200 Ext 104</u> Telephone	<u>Gary Schafkopf, Esq</u> Attorney-at-law <u>888-283-1334</u> FAX Number	<u>Plaintiff</u> Attorney for <u>gary@schaflaw.com</u> E-Mail Address
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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

LARSENYER GREEN

Plaintiff

v.

CLARK FILTER, INC.

Defendant.

Civil Action No.:

COMPLAINT

To remedy discrimination on basis of African American
Race/skin color.

Jury Trial Demanded

NATURE OF ACTION

Plaintiff, Larsenyer Green, brings this lawsuit against Defendant, Clark Filter, to remedy racial discrimination on the part of Clark Filter. Clark Filter subjected Plaintiff to racial discrimination and a hostile and discriminatory work environment in violation of federal laws.

PARTIES

1. Plaintiff, Larsenyer Green, is an adult individual, residing at 101 Cottage Avenue, Apartment 2E, Lancaster, PA 17602 .
2. At all times material hereto, Larsenyer Green, was employed by Defendant as a Team Leader and worked for Defendant for 13 years from 2005 until 2018.
3. Defendant, Clark Filters, located at 3649 Hempland Road, Lancaster, PA 17601. Clark Filter, Inc. manufactures filters for railroad, and marine and industrial. Clark Filter is a publicly traded corporation and operates as a subsidiary of CLARCOR, Inc. Upon information and belief, the majority of Defendant employees are white.

JURISDICTION AND VENUE

4. Jurisdiction over the matter is conferred upon the Court by 28 U.S.C. § 1331 and 1332, as the cause of action arises under federal law.
5. Venue is proper in the Eastern District of Pennsylvania, as the facts and transactions involved in the discrimination complained of herein occurred in large part in this judicial district, in Lancaster County, Pennsylvania.

STATEMENT OF FACTS

6. The above paragraphs are incorporated herein by reference.
7. In a series of unlawful, deliberate and discriminatory acts, Defendant has created a racist environment for its employees.
8. Plaintiff was employed by Defendant from 2005 to the present. Upon information and belief, at her time of hire, Plaintiff was the only African American full-time Team Leader Defendant had hired since 2005.
9. Management at Clark continuously treated Plaintiff in a discriminatory and racist manner.

10. From the time of her employment, Plaintiff had been called "Aunt Jemima" by her Supervisor, Ms. Harsh. Specifically, in or about October 2005, Ms. Harsh came close beside Plaintiff and made a discriminatory comment about Plaintiff by calling her, "Aunt Jemima" and walked away.
11. Ms. Harsh properly trained employees when they were promoted to team lead. However, Ms. Harsh refused to train Plaintiff.
12. For example, in or about July-August 2005, Mr. Kurchina, a plant manager asked Plaintiff if Ms. Harsh has trained her on how to read a spec sheet, Plaintiff said "no," and Mr. Kurchina replied "that's not like her". In fact, for the first three (3) months since Plaintiff was promoted to Team Lead, under the supervision of Ms. Harsh, there was no communication or training from Ms. Harsh.
13. Plaintiff was subjected to a threatening and hostile work environment, because Ms. Harsh, refused to train Plaintiff on the key areas of her job, alienating Plaintiff and caused her much distress and an uncomfortable work environment.
14. In addition to failing to provide Plaintiff with proper training, Ms. Harsh ignored Plaintiff and barely acknowledged her.
15. When Plaintiff would remind Ms. Harsh that she has not been trained, Ms. Harsh responded with: "well you better come find me." One co-worker, overheard and offered to show Plaintiff the Spec sheet.
16. Ms. Harsh was deliberately making it difficult for Plaintiff to do her job. Ms. Harsh continuously perpetuated an intimidating and hostile work environment for Plaintiff.
17. In October 2005, Ms. Harsh snuck behind Plaintiff and stuck a piece of 29-inch trim in her ear. Plaintiff didn't know what was going in her ear, so she screamed. Ms. Harsh

responded with, "Larsey we do not scream in the plant." Plaintiff asks Ms. Harsh "why are you sticking trim in my ear?"; Ms. Harsh replied, "I didn't know you were going to scream."

18. Ms. Harsh continued her racial remarks, calling Plaintiff "Aunt Jemima" and continued to treat Plaintiff in a threatening and hostile manner.
19. In or around 2008, Plaintiff finally told Ms. Harsh, "You of all people, a Supervisor should not be calling me Aunt Jemima." Ms. Harsh replied, "I was only Playing, Larsey."
20. In order to further harass and degrade Plaintiff, Ms. Harsh would state very loudly in front of other employees, "Larsey has a man handcuffed to her bed." All of these statements caused substantial humiliation and embarrassment to Plaintiff.
21. Ms. Harsh continued to make Plaintiff feel extremely uncomfortable throughout years. She would constantly criticize and find fault with her work even when it had been done correctly.
22. Then on January 17, 2018, Ms. Harsh came behind Plaintiff and whispered in her ear "Aunt Jemima" while rubbing her right hand down her right arm.
23. Plaintiff spoke to Human Resources about Ms. Harsh's egregious behavior in or about January 25, 2018 and also spoke with Mr. Smith, plant manager, about the various incidents described above and specifically mentioned. Mr. Smith was very understanding about the situation and spoke to Ms. Harsh.
24. On or about January 25, 2018, Ms. Harsh approached Plaintiff and asked if she can speak to her in her office. Ms. Harsh told Plaintiff, "Mr. Smith said that I insulted you and I have to fix it." Plaintiff told Ms. Harsh, "When you say something like that to someone

they don't forget..." At that point, Plaintiff was so distressed she walked out of work and did not return.

25. Due to Ms. Harsh's extreme egregious behavior toward Plaintiff, Plaintiff suffered through extreme mental and emotional distress and decided to take a leave of absence from work and see a Psychologist and start counseling.
26. In or around February 2018, Plaintiff returned to Clark as she needed to earn a living.
27. Since her return to work, Ms. Harsh had not improved her attitude towards Plaintiff and there is still minimal communication between them.
28. The actions of the Defendant were acts of discrimination, with no valid business purpose or justification.
29. Plaintiff was unfairly targeted and discriminated against solely based on the color of her skin.
30. The actions of the Defendant have caused and continue to cause Plaintiff to suffer substantial shame and embarrassment.

CAUSES OF ACTION

COUNT I

42 U.S.C. § 1981

RACE BASED DISCRIMINATION

31. The above paragraphs are incorporated herein by reference.
32. Clark Filter evidenced a settled intent to discriminate against Plaintiff by interfering with Plaintiff's rights to the performance and enjoyment of her contract of employment
33. Clark Filter intentionally restricted the Plaintiff's contractual benefits based upon illicit discrimination.

34. The aforesaid conduct of Clark Filter was intentional and undertaken in reckless disregard for the federally protected civil rights of Plaintiff.

35. Because of the said violation of 42 U.S.C. § 1981, Plaintiff has suffered discrimination, humiliation, embarrassment, and other harms, and is entitled to entry of judgment in his favor, and against Defendant, together with an award of declaratory and injunctive relief, damages, and ancillary relief as provided by 42 U.S.C. § 1988.

COUNT II
2 U.S.C. Sec. 1985
CIVIL RIGHTS CONSPIRACY

36. The foregoing paragraphs are incorporated herein by reference.

37. The foregoing conduct of Defendants violated Plaintiff's rights pursuant to 42 U.S.C. Sec.1985, which proscribes any agreement or conspiracy to violate Plaintiff's federally protected civil rights, including those rights under 42 U.S.C. Sec. 1981.

COUNT III
INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS

38. The actions of the Defendant, were designed to emotionally harm Plaintiff by causing her to subsist in an overwhelming, intimidating and hostile work environment.

39. The conduct Defendant was intentional, oppressive, malicious and/or in wanton disregard of the rights and feelings of Plaintiff and constitutes despicable conduct, and by reason thereof Plaintiff demands exemplary or punitive damages against Defendant in an amount appropriate to punish Defendant and to deter Defendant and others from such conduct in the future.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendants individually, jointly and/or severally, together with interest, costs, punitive damages, attorney's fees and such other and further relief as this Honorable Court deems just, including equitable injunctive relief.

Respectfully Submitted,

BY: /s/ Brian Mildenberg
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